IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 203 of 2007(Y)

PETITIONER:

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1. A.B.MOHAMMED,
   ALAKKADA HOUSE, NELLIKUZHI P.O.,
   KOTHAMANGALAM.

2. P.H.MOHAMMED, PAREKKATTU HOUSE,
   PANNIPARA P.O., KOTHAMANGALAM.

BY ADV. SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN

RESPONDENTS:

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1. BOARD OF REVENUE (CIVIL SUPPLIES),
   REP. BY COMMISSIONER OF CIVIL SUPPLIES,
   FOOD & CIVIL SUPPLIES (B) DEPARTMENT,
   THIRUVANANTHAPURAM.

2. CIVIL SUPPLIES DIRECTOR,
   OFFICE OF THE CIVIL SUPPLIES COMMISSIONER,
   MUSIUM P.O., THIRUVANANTHAPURAM.

3. THE DISTRICT SUPPLY OFFICER,
   COLLECTORATE BUILDING, KAKKANADU.

4. THE DISTRICT COLLECTOR,
   COLLECTORATE BUILDING,
   KAKKANADU.

BY GOVERNMENT PLEADER ADV.SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/02/2007, HE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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W.P.(C)No.203 Of 2007

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Dated this the 14th day of February, 2007.

J U D G M E N T

Heard.

2. Ext.P1 is a report given by the District Collector to the Civil supplies Director, stating among other things that if certain new ARDs are sanctioned, they would not have the sufficient number of card holders have to be ear-marked to that new establishment and that such new establishment will result in depleting the total number of card holders in relation to the existing shops. The said report of the District Collector is dated 18.12.06 and going by the endorsement, it appears that it has reached some other office on 21.12.06. This writ petition is filed on 01.01.02 contending that the Civil Supplies Director is likely to notify new ARDs in Nellikuzhi, ignoring Ext.P1 report. This contention is on the basis of Ext.P2 circular of the Government which requires that the minimum card strength of 400 shall be ensured for a new ARD and formation of the new shop would not reduce the card strength of an existing ARD below 400. These are matters which

would obviously gain the attention of the competent authorities who are to take a final decision on Exts.P3 and P4.

3. It is too early and premature to assume that the competent authorities will ignore binding guidelines and Ext.P1 report by the District Collector. By filing this writ petition and obtaining an interim order, staying the opening of another retail shop, the petitioner has only delayed the decision making process on the basis of Ext.P1.

In such circumstances, this writ petition is disposed of directing that the competent among the respondents will take for consideration Ext.P1 report, Ext.P2 circular and such relevant matters as may be relevant in taking a decision on Exts.P3 and Ext.P4 representations of the petitioner.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

sj